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10 **FUJITSU LIMITED**

**FILED**

DISTRICT COURT OF GUAM

DEC 18 2006

**MARY L.M. MORAN**  
**CLERK OF COURT**

11  
12 IN THE UNITED STATES DISTRICT COURT

13 DISTRICT OF GUAM

14 NANYA TECHNOLOGY CORP.,  
15 NANYA TECHNOLOGY CORP. U.S.A.

16 Plaintiffs,

17 -v-

18 FUJITSU LIMITED, FUJITSU  
19 MICROELECTRONICS AMERICA, INC.,

20 Defendants.

CIVIL CASE NO. 06-CV-00025

**FUJITSU LIMITED'S MOTION TO  
DISMISS OR TRANSFER TO THE  
NORTHERN DISTRICT OF  
CALIFORNIA AND FOR A MORE  
DEFINITE STATEMENT (with  
supporting Memorandum and  
Declarations)**

ORAL ARGUMENT REQUESTED

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22  
23  
24  
25 CIVIL CASE NO. 06-CV-00025

26 ORIGINAL

Defendant Fujitsu Limited ("Fujitsu") hereby respectfully moves this Court pursuant to Federal Rule of Civil Procedure 12(b)(2) for an order dismissing Fujitsu from this action for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(4) and 12(b)(5) for an order dismissing Fujitsu from this action for insufficiency of process and insufficiency of service of process. Fujitsu also respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1406 for an order dismissing Fujitsu from this action for improper venue, or, alternatively, pursuant to 28 U.S.C. § 1404(a), transferring Fujitsu to the United States District Court for the Northern District of California. Fujitsu further respectfully moves for a more definite statement pursuant to Federal Rule of Civil Procedure 12(e).

This motion is based on the attached Memorandum of Law, the declaration of Shigeru Kitano, sworn to on December 14, 2006, the declaration of Christopher E. Chalsen, sworn to on December 15, 2006, the pleadings and such further evidence and argument as the Court may consider.

Respectfully submitted this 18th day of December, 2006

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Attorneys for Defendant  
*Fujitsu Limited*

By: 

Daniel M. Benjamin

*Of Counsel*

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